

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRET SPENCER,

Plaintiff,

v.

SHORELINE COLLEGE, et al.,

Defendants.

Case No. C23-969RSM

ORDER TO SHOW CAUSE

Pro se Plaintiff Bret Spencer has been granted leave to proceed *in forma pauperis* in this matter. Dkt. #5. The Complaint was posted on the docket on July 13, 2023. Dkt. #6. Summonses have not yet been issued.

Mr. Spencer's Complaint reads more as a letter to the Court than a traditional pleading. The named Defendants are Shoreline College, Melanie Meyer, Mary Burroughs, Moriah Shistle, Tricia Lovely, the Department of Education, and the State of Washington. *Id.* at 1. Mr. Spencer indicates that the Court has federal question jurisdiction, citing the 1st, 4th, 5th, and 14th amendments, as well as Title IX, the Civil Rights Act of 1965, the Family Educational Rights and Privacy Act ("FERPA"), The Occupational Safety and Health Act ("OSHA"), the Clery Act, the Americans with Disabilities Act ("ADA"), the Age Discrimination in Employment Act ("ADEA"), the Federal Tort Claims Act, two state regulations, and a state statute. *Id.* at 1–2.

1 The Complaint does not set forth the facts of this case with any clarity, nor does it
2 clearly connect alleged violations of law with the actions of Defendants. The Court
3 understands that Mr. Spencer was a student at Shoreline College where the individual
4 Defendants work. He accuses Defendant Melanie Meyer of “[v]iolations of contract, due
5 process, privacy, free speech, student safety, civil and ethnicity right, government ethics,
6 accountability and misconduct, gross and severe negligence.” *Id.* at 2. Ms. Meyer must be an
7 instructor, because she is accused of having a “double standard” and discriminating and
8 intentionally harassing Plaintiff when she “insisted that her database course was required when
9 at the time [Plaintiff] was admitted, he had already completed the quantitative thinking
10 requirement passing the much more involved, difficult and useful, MS Access course with the
11 schools [sic] certified MS Instructor, received an ‘A,’ when meyer [sic] course was only added
12 to curriculum because most all other students couldnt [sic] pass and struggled with MS Access
13 course.” *Id.* at 3. Ms. Meyer “recklessly and in gross negligence and in gross negligence [sic]
14 required a poor student to do several times, several times [sic] more lab assignment work then
15 [sic] others and at time [sic] when she was directly violating mandates from the school
16 presidency office to specifically not do this!!” *Id.*

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20 The allegations against Ms. Meyer continue in this fashion. These facts are not
21 connected in any logical way to the violations of the U.S. Constitution or federal statutes cited
22 previously. These facts do not appear to show violations of contract or tort law. Rather, it
23 appears that Plaintiff simply disagrees with Defendants about how the school runs itself and
24 awards credits for coursework. At one point Plaintiff pleads that Ms. Meyer “violated 1st, 4th
25 4th and 14th amendments, due process and all of the contractual agreements, freedoms of
26 expression that did infact [sic] meet every professional standard she herself rushes to point to
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1 [sic] hold students accountable. She then selectively applies them to exert [sic] the destruction
2 of innocent dedicated but targeted students. The fact that she violated these federal and
3 constitutional rights towards some very few and not to others was clearly an act of
4 discrimination.” *Id.* at 4. These sentences are entirely conclusory—they include no details as
5 to *how* these laws were violated. Mr. Spencer does not explain how he was discriminated
6 against in violation of applicable law. It appears to the Court that Mr. Spencer is claiming
7 violations of all the laws he can think of to explain his instructor’s failure to allow him to pass
8 her course. These claims appear frivolous and fail to state a claim upon which relief can be
9 granted.
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11 Mr. Spencer deals with the other named Defendants in turn. Tricia Lovely allegedly
12 violated the same set of laws (“[v]iolations of contract, due process, privacy, free speech,
13 student safety, civil and ethnicity right, government ethics, accountability and misconduct,
14 gross and severe negligence”) but appears to have been an internal investigator working on
15 Plaintiff’s claims against Defendants. Mr. Spencer fails to explain how an internal
16 investigator’s conclusions could establish personal liability. The normal progression of
17 events—getting a bad grade, appealing that bad grade, an internal investigation, a report is
18 generated, the school issues conclusions—is not presented here. The allegations against Ms.
19 Lovely appear frivolous and fail to state a claim upon which relief can be granted.
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22 Mary Burroughs allegedly violated the same set of laws (“[v]iolations of contract, due
23 process, privacy, free speech, student safety, government accountability, civil right, gross and
24 severe negligence”). *Id.* at 8. Ms. Burroughs appears to have been some kind of supervisor
25 above Ms. Meyer. *See id.* (she “[h]ad a sacred charge to objectively evaluate whether Meyer
26 had an unclear or incomprehensible grading system and had a document right in front of her
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1 showing several labs were submitted 8 times and yet the rubric given to her by Meyer did not
2 reflect any 8 time submissions and yet Burroughs could not ascertain that Meyer [sic] grading
3 system as unclear or incomprehensible.”). Mr. Spencer fails to explain how any of these
4 allegations could establish personal liability or why these allegations are in federal court. The
5 allegations against Ms. Burroughs appear frivolous and fail to state a claim upon which relief
6 can be granted.
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8 Moriah Shistle is accused of violating contract, due process, privacy, student safety,
9 government accountability and negligence laws. *Id.* at 10. She also must have been in some
10 kind of supervisory role, because she allegedly did not follow the school’s policies regarding
11 grade grievances. *Id.* She allegedly “did not observe disability law nor help with any disability
12 even when it was specifically requested...” *Id.* It is not clear to the Court what disability
13 Plaintiff alleges he has, how that disability was communicated to Defendants, or how Ms.
14 Shistle faces personal liability. Again, all of these allegations are conclusory and fail to state a
15 claim upon which relief can be granted.
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18 Shoreline College allegedly violated Mr. Spencer’s First Amendment rights when “the
19 class and teachers repeatedly expressed opinions on socialized medicine.... We were constantly
20 asked to affirm support for the Affordable Care Act.... We were not given options to abstain
21 from comment and were pressured to validate the teacher expressed opinion or receive low or
22 incomplete marks from [sic] for the discussion or opinion exercise.... To what extent the
23 teacher took offense and then later used this as grounds to target and selectively make problems
24 for [Plaintiff] is worthy of consideration.” *Id.* at 11. Shoreline College allegedly violated Mr.
25 Spencer’s civil rights when he was “severely reprimanded” for asking if another student spoke
26 Spanish. *Id.* His privacy was violated by Shoreline College in various frivolous ways. *See id.*
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1 at 11–12. At one point Mr. Spencer mentions he has “an arthritis handicap” and asked for help
2 with “painful typing,” but alleges that his privacy was violated by the school asking for him to
3 share information about this with the accessibility department. *Id.* All of these claims appear
4 frivolous and inadequately pled to state a claim upon which relief can be granted.

5 The Court will not summarize the entire Complaint here, but the remaining allegations
6 certainly appear frivolous and insufficiently pled.

7 Under Section IV, “Relief,” Mr. Spencer states he “had this big plan of using my long
8 established work history and experience as an engineer and working with IT systems to get this
9 certification and then do medical and medical disease tracking blockchain research. Once
10 working, I had this plan to pay back social security....” *Id.* at 15. Mr. Spencer connects this to
11 his retirement plans, and his various other health issues. He discusses how his failure to
12 graduate has ruined all of this. He states “[i]f one does the numbers for not being able to buy
13 back and then missing those retirements and the added benefit month after month, it adds up to
14 more and far more than >\$75000.” *Id.* at 16.

15 Mr. Spencer indicates that his son will be with him “from about 20 July 23 and through
16 most of August 23” and appears to be asking the Court not to be responsible for any filings
17 during that period. *Id.* at 17.

18 The Court will dismiss a Complaint at any time if the action fails to state a claim, raises
19 frivolous or malicious claims, or seeks monetary relief from a defendant who is immune from
20 such relief. *See* 28 U.S.C. § 1915(e)(2)(B).

21 Plaintiff’s Complaint appears to suffer from deficiencies that require dismissal. *See* 28
22 U.S.C. § 1915(e)(2)(B). It fails to present, in a short and plain way, key factual details
23 including what happened to him and when, or how Defendants’ actions violated the cited laws,
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1 and how Defendants could be personally liable for those actions. It appears that all or nearly all
2 of these claims are frivolous and that further amendment could not cure these deficiencies.

3 In Response to this Order, Plaintiff must write a short and plain statement (1)
4 summarizing what happened to him in chronological order with dates, (2) explaining how
5 Defendants' actions violate the cited laws in greater detail and how each of the Defendants is
6 personally liable, and (3) how Defendants' actions proximately caused the alleged harms. **This**
7 **Response may not exceed six (6) pages.** Plaintiff is not to file additional pages as
8 attachments. The Court will take no further action in this case until Plaintiff has submitted this
9 Response.
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11 Accordingly, the Court hereby finds and ORDERS that Plaintiff shall file a Response to
12 this Order to Show Cause containing the detail above **no later than September 15, 2023.**
13 Failure to file this Response will result in dismissal of this case.
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16 DATED this 14th day of July, 2023.
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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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